

Attorneys for Defendants
MATSON NAVIGATION COMPANY, INC.
AND ALEXANDER & BALDWIN, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

Case No. CV 08-03169 VRW

STIPULATION RE ADR DEADLINE

Defendants.

1 WHEREAS, the undersigned plaintiff has filed the above-captioned case;

2 WHEREAS, plaintiff alleges antitrust violations on behalf of purchasers of domestic
3 containerized ocean shipping services for service between the continental United States and
4 Hawaii.

5 WHEREAS, twenty-three purported class action lawsuits have been filed to date in five
6 federal district courts across the country and containing nearly identical allegations regarding a
7 purported price-fixing conspiracy among various members of the Pacific Ocean Cabotage
8 industry.

9 WHEREAS, by Transfer Order dated August 13, 2008, the Judicial Panel on Multidistrict
10 Litigation (the "JPML") granted a motion to coordinate and consolidate pretrial proceedings
11 pursuant to 28 U.S.C. § 1407 in the matter *In Re: Hawaiian and Guamanian Cabotage Antitrust*
12 *Litigation*, MDL No. 1972.

13 WHEREAS, *Steinberg v. Matson Navigation Co., et. al.*, C 08-02402 VRW (N.D. Cal.), an
14 action assigned to this Court, was one of the actions transferred to the Western District of
15 Washington pursuant to the JPML's August 13, 2008 Order.

16 WHEREAS, *Winkler Woods, LLC v. Matson Navigation Company, et. al.*, C 08-03169
17 (N.D. Cal.), was identified as a potential tag-along action in MDL No. 1972.

18 WHEREAS, by Conditional Transfer Order dated August 25, 2008, the JPML
19 conditionally transferred the *Winkler Woods* action to the Western District of Washington
20 pursuant to 28 U.S.C. § 1407.

21 WHEREAS, by Related Case Order dated August 20, 2008, this Court determined that the
22 *Winkler Woods* action is related to the *Steinberg* action, and reassigned the case to Chief Judge
23 Vaughn R. Walker accordingly.

24 WHEREAS, on July 1, 2008, Judge Jeffrey S. White issued an Order Setting Initial Case
25 Management Conference and ADR Deadlines in *Winkler Woods* that set September 19, 2008 as
26 the deadline for engaging in a meet and confer session regarding initial disclosures, early
27 settlement, the ADR process selection, and a discovery plan; the filing of an ADR certification;
28 and the filing of either an ADR Stipulation or a Notice of Need for an ADR Phone Conference.

1 WHEREAS, all parties anticipate that the JPML's transfer to the Western District of
2 Washington of the *Steinberg, Winkler Woods* and the other Related Actions filed in the Northern
3 District of California will soon be completed.

4 WHEREAS, plaintiff anticipates the possibility of a Consolidated Complaint or
5 Complaints in the Hawaiian and Guamanian Cabotage Antitrust Litigation once the Related
6 Actions have been transferred under MDL 1972 and the plaintiffs in the Related Actions have had
7 an opportunity to organize.

8 WHEREAS, vacating the deadlines contained in July 1, 2008 Order Setting Initial Case
9 Management Conference and ADR Deadlines will visit no negative consequences on the schedule
10 for the case.

11 PURSUANT TO CIVIL LOCAL RULE 6-1(b) and 6-2(a), PLAINTIFF AND
12 DEFENDANTS, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD,
13 HEREBY STIPULATE AS FOLLOWS:

14 1. The September 19, 2008 and other deadlines for engaging in a meet and confer
15 session regarding initial disclosures, early settlement, the ADR process selection, and a discovery
16 plan; the filing of an ADR certification; and the filing of either an ADR Stipulation or a Notice of
17 Need for an ADR Phone Conference contained in the July 1, 2008 Order are VACATED pending
18 action by the Transferee Court in the Western District of Washington.

19 2. This Stipulation does not constitute a waiver by Defendants of any defense,
20 including but not limited to the defenses of lack of personal jurisdiction, subject matter
21 jurisdiction, improper venue, or service of process.

22 IT IS SO STIPULATED.

23 Dated: September 19, 2008

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Dated: September 19, 2008

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Pursuant to stipulation, IT IS SO ORDERED.

Dated this 25th day of September, 2008.

